

# **EXHIBIT N**

## SheppardMullin

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March 10, 2014

**By First Class and Electronic Mail**

Kelly D. Talcott, Esq.  
Law Offices of Kelly D. Talcott  
34 Grove Street  
P.O. Box 43  
Sea Cliff, NY 11579

Re: TufAmerica, Inc. v. Michael Diamond et al., 12 Civ. 3529 (AJN)

Dear Kelly:

As you know, we represent defendants in the above-referenced action, Michael Diamond, Adam Horovitz, and the Estate of Adam Yauch, p/k/a Beastie Boys, each individually and collectively d/b/a Brooklyn Dust Music (the "Beastie Boys Defendants"). As you know, fact discovery in this action is scheduled to close on March 24, 2014. To date, plaintiff TufAmerica, Inc. ("Plaintiff") has failed to produce any documents in discovery, despite the fact that Plaintiff served its responses and objections to the Beastie Boys Defendants' first set of requests for the production of documents nearly four months ago, on November 12, 2013. Furthermore, Plaintiff's March 5, 2014 responses and objections to the Beastie Boys Defendants' second set of requests for production were untimely, and Plaintiff thus has waived any objection to those requests.

Plaintiff's failure to produce documents continues to delay discovery and prevent the parties from commencing depositions in this action. Please advise whether and when you are available to meet and confer regarding Plaintiff's discovery obligations, as Plaintiff's failure to participate in discovery is resulting in prejudice to the Beastie Boys Defendants by hindering their ability to defend this action.

Furthermore, as set forth in my January 16, 2014 email, please confirm that Robert Reed was erroneously listed in Plaintiff's Rule 26(a) disclosures in light of his death in 2008.

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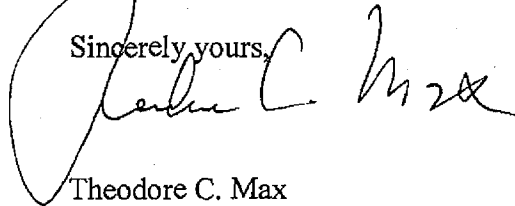
Kelly Talcott, Esq.

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Finally, enclosed please find a copy of amended deposition notices for the following witnesses: (1) TufAmerica, Inc.; (2) Aaron Fuchs; (3) Will Scott; (4) Tony Fisher; and (5) James Avery.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Theodore C. Max', is written over the typed name. The signature is fluid and cursive.

Theodore C. Max

Enclosures

cc: Andrew H. Bart, Esq.  
Nathaniel H. Benfardo, Esq.  
Kenneth B. Anderson, Esq.